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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/821,027	03/19/1997	ERIC A. VOIT	680-189	3576

32127 7590 09/08/2003

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EXAMINER

KWOH, JASPER C

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 09/08/2003

34

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

08/821,027

Applicant(s)

VOIT ET AL.

Examiner

Jasper Kwoh

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-21,23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-21,23 and 24 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 1997 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/13/03 has been entered.

Specification

2. The disclosure is objected to because of the following informalities: The application serial number on page 18 should be updated.

Appropriate correction is required.

Drawings

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-2, 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirashrafi et al. (US 6,026,087A) in view of Fleischer, II et al. (US 5,680,446).

Regarding claim 1, Mirashrafi et al. discloses a method comprising determining the QoS (i.e. fig. 2B, 232; col. 10, ll. 44-46, determine call quality reached a threshold); compare QoS with predetermined threshold (i.e., fig. 2B, 236; col. 10, 49-50; compare to see if measured quality level is within acceptable range); route though the packet network is exceed threshold level and route though the PSTN is threshold not exceeded (i.e. fig. 1, col. 10, 49-52, 59-62, call is sent through the internet and Bridgeport if QoS acceptable, if not, it is sent directly through the telephone extension 113 to the PSTN 140). Mirashrafi does not specifically disclose that the PSTN includes an AIN that includes an ISCP having CPRs. However, Fleischer, III et al. teaches that the PSTN includes AIN and ISCP with CPRs (i.e. fig. 1, AIN is shown by the figure and CPR 10 is in the ISCP 30). It is clear that increase security and other quality of service are desirable in a telecommunications network. Therefore, it would have been obvious to

Art Unit: 2663

an ordinary person skilled in the art at the time of the invention to include AIN, ISCP, CPR as taught by Fleischer III et al. with the method of Mirashrafi et al. The motivation is to increase security of the customers' telecommunications network.

Regarding claim 2, Mirashrafi et al. involve unique service code (i.e. col. 5, ll. 33-35; it is inherent that the Push-to Talk option involve unique codes for the service).

Regarding claims 6-8, Mirashrafi et al. discloses exchanging signaling messages (i.e. col. 6, ll. 27-43); network is internet (i.e. fig. 1, 150); and if not busy, connect via the internet with two PSTN on either ends (i.e. fig. 1, 110 and 140 are PSTN/POTS and connected though internet 150).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mirashrafi et al. in view of Fleischer, II et al. as applied to claim 1 above, and further in view of Akinpelu et al. (US 5,661,792).

Mirashrafi et al. does not specifically disclose that the interexchange carrier (IXC) identity is specified in the CPR. However, Akinpelu et al. teaches that this identity is specified in the database for switching. It is necessary for the identity to be obtained in order for switching to take place. Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to include the IXC ID as taught by Akinpelu with the method of Mirashrafi et al. The motivation is to allow for proper billing of toll calls by keeping track of which IXC is being used.

Allowable Subject Matter

8. Claims 9-21 and 23-24 are allowed.

Response to Arguments

9. Applicant's arguments with respect to claims 1-2 and 6-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasper Kwoh whose telephone number is (703) 305-0101. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703)308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.



Jasper Kwoh
Examiner
Art Unit 2663

JK



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
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